

In re WILLIAMS ET AL., Application No. 09/894,199
Amendment D

REMARKS

The Office action dated September 5, 2006, and the references cited have been fully considered. In response, please enter the amendments presented herein and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants appreciate the examination of the application. Although Applicants respectfully traverse the rejections based on prior art for at least the reasons presented in Amendment C (which is hereby incorporated by reference) as the prior art of record neither teaches nor suggest measuring a time duration and adjusting the rate based on such measured time duration, Applicants have elected to "take the claims" as the application has been pending for an excessively long duration, and reserve the right to seek the subject matter of any canceled or amended claim in a continuation application.

Therefore, the amendments presented herein are to correct informalities and to add the subject matter of an objected to, but allowable if re-written in independent format, dependent claim into an independent claim to make the whole claim tree allowable. Applicants will provide a roadmap hereinafter for the claim amendments presented herein.

Applicants greatly appreciate the Office reviewing the claims and for pointing out the typographical errors. Applicants have amended claims 10, 11, 42, 43, 50, 54, 55, 56, and 57 to clean-up the typographical errors referenced by the Office and those Applicants discovered in preparing the claims for allowance. No new matter is added by these amendments. In regards to the § 112 rejection of claims 13 and 45, Applicants respectfully traverse the rejection as it is correct and the language is consistent with basic mathematics. Junior High math was a long time ago for many of us, but raising a value to one-half power is equivalent to taking the square root of a value. For example, twenty-five raised to the one-half power is five, and five is less than twenty five, so such an operation is actually exponentially decreasing the original value. As the claim language is correct and accurate with terminology understood by one skilled in the art, Applicants respectfully request the rejection be withdrawn. For at least the reasons that the

In re WILLIAMS ET AL., Application No. 09/894,199
Amendment D

informalities have been corrected, Applicants request that the objections and/or § 112 rejections of claims 10-14, 42-46, 50-52, 54, and 55-57 be withdrawn.

Next, the Office previously allowed claims independent claim 10 and its dependent claims 11-14 and independent claim 42 and its dependent claims 43-46 in the Office action mailed March 22, 2006. The Office presents no rejections based on prior art in the current Office action. As Applicants have corrected the new formalities raised in the current Office action, Applicants believe that independent claim 10 and its dependent claims 11-14 and 55-56, independent claim 42 and its dependent claims 43-46 and 57 are allowable. Applicants respectfully request the Office allow these claims.

Again, Applicants appreciate the notification that claims 2-4, 19-21, 27-29, and 35-37 contain allowable subject matter; and that claims 10-14 and 42-46 were allowed in the previous Office action (with informalities raised in the current Office action).

- Independent claim 1 is amended to include the subject matter of allowable dependent claim 2, with this claim being cancelled; therefore, independent claim 1 and its dependent claims 5-8 and 58 are believed to be allowable.
- Independent claim 10 and its dependent claims 11-14 and 55-56 are believed to be allowable for at least the reasons presented by the Office in the March 22, 2006, Office action for allowance of independent claim 10.
- Independent claim 18 is amended to include the subject matter of allowable dependent claim 19, with this claim being cancelled; therefore, independent claim 18 and its dependent claims 22-25 and 59 are believed to be allowable.
- Independent claim 26 is amended to include the limitations of allowable dependent claim 27, with this claim being cancelled; therefore, independent claim 26 and its dependent claims 28-33 and 60 are believed to be allowable.

In re WILLIAMS ET AL., Application No. 09/894,199
Amendment D

- Independent claim 34 is amended to include the limitations of allowable dependent claim 35, with this claim being cancelled; therefore, independent claim 34 and its dependent claims 36-41 and 61 are believed to be allowable.
- Independent claim 42 and its dependent claims 43-46 and 57 are believed to be allowable for at least the reasons presented by the Office in the March 22, 2006, Office action for allowance of independent claim 42.
- Independent claim 47 and its dependent claims 48-49 stand allowed, with dependent claims 3 and 4 amended to depend from allowed independent claim 47; therefore, all of these claims are believed to be allowable.
- Independent claim 50 and its dependent claims 51-52 stand allowed, with dependent claims 20 and 21 amended to depend from allowed independent claim 50; therefore, all of these claims are believed to be allowable.

For at least the reason that all pending claims are believed to include a limitation of subject matter indicated as allowable or previously allowed minus some formality issue, all claims are believed to be allowable; and Applicants respectfully request that all claim objections/rejections be withdrawn, all pending claims be allowed, and the application be passed to issuance.

In re WILLIAMS ET AL., Application No. 09/894,199
Amendment D


Final Remarks. Applicants believe a two-month extension of time is required. Should an extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees).

In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: February 5, 2007

By



2-5-2007

Kirk D. Williams, Reg. No. 42,229
One of the Attorneys for Applicant
CUSTOMER NUMBER 26327
The Law Office of Kirk D. Williams
PO BOX 61538, Denver, CO 80206-8538
303-282-0151 (telephone), 303-778-0748 (facsimile)